

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: All rules

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

The intro statement for each of these rules needs to be corrected to include the register publication information and if there have been changes since publication. See examples here: <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>

The formatting of the intro statement is essential to the correct functioning of our publication and web system.

For many of these rules, you indicated on your form that periodic review prompted these amendments. While you can certainly go forward with the amendments you've filed, this does not replace the report and readoption process required by G.S. 150B-21.3A.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15B .1007

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 8, what is "where sale of that product is unlawful" referring to?

On line 36 and p. 2 line 1, what are the standards for approving this category of advertising?

On p. 2, line 1 and 2, "encouraged" is usually an indication that something is not actually a rule, and thus not appropriate for inclusion in the code. Consider if this can be rewritten as a rule, i.e. "Advertising submitted at least month before distribution deadlines will be given priority for review."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: December 2, 2025

1 14B NCAC 15B .1007 is proposed for amendment as follows:

2
3 **14B NCAC 15B .1007 ADVERTISING OF MALT BEVERAGES AND WINE ALCOHOLIC**
4 **BEVERAGES BY INDUSTRY MEMBERS**

5 (a) Billboards; Media. Industry members may advertise ~~malt beverages or wine~~ alcoholic beverages on outdoor
6 billboards, by radio, television, ~~newspaper or magazine, and by other similar means.~~ newspaper, magazine, the internet,
7 and social media. ~~Outdoor Industry members shall not display billboards or signs shall not be displayed on the~~
8 ~~premises of any a retail permittee's establishment nor or in areas where sale of that product is unlawful.~~

9 (b) Aerial Display. ~~Industry members may advertise by Malt beverages and wine may be advertised by industry~~
10 ~~members by means of~~ aerial displays or tethered inflatables, including banner-towing, hot air balloons and parachutes,
11 if:

12 (1) ~~One The industry member submits one or more photographs or drawings of the displays have been~~
13 ~~submitted to the Commission at legal@abc.nc.gov and the permittee has received receives prior~~
14 ~~written approval;~~

15 (2) The advertising on the aerial display ~~is in conformity conforms~~ with all other rules in this Section;
16 and

17 (3) ~~No The~~ aerial display or inflatable is not placed on or over the premises of a retail ~~permittee's~~
18 ~~establishment permittee.~~

19 (c) Delivery Trucks and Uniforms. Trucks owned ~~by or leased exclusively to or leased by~~ an industry member may
20 be used for advertising ~~purposes purposes,~~ limited to the permittee's name or trade name ~~of the permittee,~~ and the
21 brand names, slogans, house ~~marks marks,~~ or trademarks of the alcoholic beverages manufactured or sold by the
22 permittee. Wholesale permittees and spirituous liquor industry members may display on ~~the uniforms of their~~
23 ~~employees their employee uniforms the names name~~ of their company and the brand names of the products ~~handled~~
24 by them they are authorized to represent.

25 (d) Other Signs. Industry members may maintain ~~any~~ signs required by the laws of the United States to be displayed
26 on their premises ~~as well as signs on the premises and signs~~ indicating the brand names of ~~malt beverages and wine~~
27 alcoholic beverages sold by them, including the word "beer," ~~or words describing other malt beverages and~~
28 ~~wine "wine," "spirituous liquor," or words describing malt beverages, wine, or spirituous liquor.~~

29 (e) Price. Industry members shall not advertise the ~~price of malt beverages or wine prices of their alcoholic beverages.~~
30 A wholesaler may give to retail permittees a wholesale price list that contains the brand names and prices of ~~his the~~
31 wholesaler's products to retail permittees products.

32 (f) College Campuses. ~~All print advertising, including posters, flyers, display ads, or point of sale materials that are~~
33 ~~published primarily for distribution to college students or for dissemination on college campuses shall first be~~
34 ~~submitted to the Commission for approval prior to any publication or distribution. Industry members shall submit~~
35 print advertising, including posters, flyers, display ads, or point-of-sale materials that are published for distribution to
36 college students or for dissemination on college campuses, to the Commission at legal@abc.nc.gov for review and

1 approval before use. Industry members are encouraged to submit such advertising at least two months prior to one
2 month before distribution deadlines in order to allow adequate review by the Commission deadlines.

3 (g) Listings of Available Product Locations. Industry members may advertise and assist consumers to locate the
4 names and locations where their alcoholic beverage products are sold in the State, subject to the following conditions:

5 (1) The list includes all retail permittees and ABC stores selling an industry member's products in the
6 State by a searchable electronic database available to the public; and

7 (2) The industry member reviews and updates the list of retail permittees and ABC stores in six-month
8 intervals.

9 (h) Comments Posted on Retailers' Sites. Industry members may post a comment or reaction by text or symbol on a
10 retailer's website or social media but shall not copy and repost the retailer's message.

11
12 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207;*

13 *Eff. January 1, 1982;*

14 *Amended Eff. July 1, 1992; May 1, 1984;*

15 *Transferred and Recodified from 04 NCAC 02S .1009 Eff. August 1, 2015;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
17 *2016.*

18 *Amended Eff. February 1, 2026.*
19
20

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15B .1008

DEADLINE FOR RECEIPT: Friday, December 12, 2025

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Item (a)(5) is potentially ambiguous.

On p. 1, line 12, how does the Commission determine if there is public concern?

On p. 1, line 12, what is the definition of "the public's welfare"?

On p. 2, line 7, what defines the category or type that a liquor belongs too? Is there a list of categories?

On p. 2, line 31, what is "a lottery of spiritous liquor"? Is that process spelled out in rule or statute?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15B .1008 is proposed for amendment as follows:

2
3 **14B NCAC 15B .1008 ADVERTISING OF SPIRITUOUS LIQUORS BY ABC BOARDS**

4 (a) ABC Stores. An ABC store may have one or more ~~outside exterior~~ signs ~~located on the premises for the purpose~~
5 ~~of identifying on the store's property, as stated on the store's lease or deed, to identify the outlet store's presence if~~
6 the sign is not prohibited by local ordinance and it has been approved by the Commission. ~~During the approval process~~
7 ~~the~~ The Commission shall consider the following factors:

- 8 (1) the proximity of the ABC store to schools and churches;
- 9 (2) the number and size of the signs requested;
- 10 (3) the text and graphics on the sign;
- 11 (4) the materials that make up the sign; and
- 12 (5) the public concern in matters of the public's welfare.

13 ~~(b) Aerial Displays. No distiller, importer, or rectifier of spirituous liquor, or representative thereof, nor any retail~~
14 ~~permittee, shall advertise by means of an aerial display or inflatable the brand name or availability of spirituous liquor.~~

15 ~~(c) Billboards; Media. Industry members may advertise spirituous liquor on outdoor billboards, by radio, television,~~
16 ~~newspaper, magazine or internet, and by other similar means. Outdoor billboards or signs shall not be displayed on~~
17 ~~the premises of any retail permittee's establishment nor in areas where sale of that product is unlawful.~~

18 (b) Billboards. Billboards may be used by local ABC boards for the following purposes:

- 19 (1) advertising the location, contact information, and hours of operation of an ABC store;
- 20 (2) statistical information on volume of sales, revenues generate, and the amount of revenues distributed
21 to the State and local government; and
- 22 (3) subject to the Commission's approval, educational content regarding alcohol or substance abuse or
23 public service announcements.

24 Billboards used by a local ABC board shall not include the brand name or picture of a spirituous liquor or fortified
25 wine.

26 ~~(d)(c)~~ Point-of-Sale. Point-of-sale and advertising specialties for spirituous liquor may be used in ABC stores.
27 Advertising used in ABC stores shall conform to the provisions of Rule ~~14B NCAC 15B .1005; 1005 of this Section,~~
28 ~~and in addition shall not:~~

- 29 ~~(1) incorporate the use of any present or former athlete or athletic team; or~~
- 30 ~~(2) refer to the availability of or offer any alcoholic beverages by mail.~~

31 ~~All point of sale advertising material, advertising specialties, and recipes, booklets or brochures intended for use and~~
32 ~~display in ABC stores shall first be submitted to the Commission prior to their display in an ABC store.~~ Industry
33 members shall submit point-of-sale advertising material, advertising specials, recipes, booklets, or brochures for use
34 and display in ABC stores to the Commission at legal@abc.nc.gov before displaying these items in an ABC store.

35 ~~(e)(d)~~ Local ABC Boards. Local ABC boards may advertise on their web site or social networking ~~page page, and~~
36 inside ABC stores, the following information:

- (1) ~~general information such as including~~ the history of the local ABC board, locations, hours of operation, contact information, employment opportunities, alcohol enforcement, alcohol education, underage drinking education and other local government information; and
- (2) ~~liquor products and prices, as long as prices,~~ subject to the following conditions:
- (A) ~~no logos are shown;~~
- (B)(A) ~~when a product is listed, the list includes all products that are offered~~ are listed; of the same category or type advertised;
- (C)(B) ~~when if a product's regular price is listed, the list includes all products' regular prices of all products of the same category or type offered by the board are listed; and~~ local ABC board;
- (D)(C) ~~when if a special price reduced for 30 days is listed for a product, product on a supplemental price list pursuant to Rule 14B NCAC 15A .1503, the list includes all products with special temporary reduced prices offered by the board are listed.~~ local ABC board; and
- (D) if the Commission authorizes a local ABC board to sell certain products at below the uniform price pursuant to Rule 14B NCAC 15A .1702, the list includes all products offered by the local ABC board with prices below the uniform price.
- (3) Logos and prices of spirituous liquor products posted in pictures or videos of the inside of an ABC store must include all products in a category and their prices.
- (4) New products during the first 180 days of availability for purchase in an ABC store and products returning to inventory after at least one year of unavailability for purchase.
- (5) Spirituous liquor products available via special order pursuant to Rule 14B NCAC 15A .1403(b).
- (6) Special order barrel products with personalized labeling pursuant to G.S. 18B-800(c1) ordered by a local ABC board in compliance with Rule 14B NCAC 15A .1403.
- (7) Products available for online order pursuant to G.S. 18B-800(c3).
- (8) Products available on the Limited Product Record list pursuant to G.S. 18B-204(a3).
- (e) Advertising by email. Local ABC boards may advertise by email or text to mixed beverage permittees that request to receive advertisements from the local board. Local ABC boards shall not advertise by email or text to retail customers of the local board except:
- (1) when a customer inquires about the availability or the price of a specific product; or
- (2) when a customer requests or consents to receive marketing emails or texts.
- A local ABC board email advertisement to retail customers shall be limited to advertising allowed pursuant to this Rules, to a lottery of spirituous liquor, and to barrel purchase opportunities.
- (f) Local ABC boards may join local chambers of commerce or visitor's bureaus and may provide them general board information which that includes store locations and hours to be distributed made available through the website or other electronic means of the chambers of commerce or visitor's bureaus' media information-commerce or visitor's bureaus.
- (g) Local ABC boards shall submit approval requests required by this Rule to legal@abc.nc.gov.

1 (h) Local ABC boards shall not use or allow the use or display of any tent, canopy, cooler, sign, or personal property
2 owned by the local ABC board or that displays the local ABC board's name or logo except within the local ABC
3 board store.

4
5 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207; 18B-807;*
6 *Eff. January 1, 1982;*
7 *Amended Eff. November 1, 2012; November 1, 2011; January 1, 2011; July 1, 1992; May 1, 1984;*
8 *Transferred and Recodified from 04 NCAC 02S .1011 Eff. August 1, 2015;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,*
10 *2016.*
11 *Amended Eff. February 1, 2026.*
12
13

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B 15C .0104

DEADLINE FOR RECEIPT: Friday, December 12, 2025

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In reviewing this Rule, the staff recommends the following changes be made:

In paragraph (b), what is the "French negociant" system? Is that defined in law somewhere?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15C .0104 is proposed for readoption with substantive changes as follows:

2
3 **14B NCAC 15C .0104 WINE PRODUCT BRAND**

4 (a) ~~Determination of a product's brand shall be made by the Commission.~~ The Commission shall determine a product
5 brand at the time the product is approved for sale in North Carolina and ~~Carolina.~~ ~~shall not be affected by later.~~ Later
6 changes in the manufacturer's advertising strategy or ~~labeling.~~ labeling shall not affect the brand. ~~Differences in~~
7 Different packaging, such as different style, type type, or size of container, do not establish different brands. The name
8 of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

9 (b) For purposes of Bordeaux Chateau wine brought into North Carolina under the French ~~negociant~~ negociant system
10 only, "brand" as defined in ~~14B NCAC 15C .0101(1)~~ 14B NCAC 15A .0103 shall be determined based on the
11 nonresident wine vendor or importer's name ~~as reflected~~ on the back of the product label. For purposes of Bordeaux
12 Chateau wines only, wines manufactured and marketed under a common identifying trade name such as "Chateau
13 Domaine," but which may be imported into the United States through multiple channels based on written
14 authorizations from French ~~negociants,~~ negociants would not be considered to be the same ~~brand;~~ brand. ~~e.g., the~~
15 ~~"Chateau Domaine" brought into the United States by Importer A would be considered to be a different brand than~~
16 ~~the "Chateau Domaine" brought into the United States by Importer B.~~ Such written ~~authorization(s)~~ authorization must
17 be ~~provided~~ submitted to the Commission ~~upon request on a form provided by the Commission~~ prior to product
18 approval or brand ~~registration~~ registration ~~on a form provided by the Commission.~~

19
20 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1203;*

21 *Eff. April 1, 2011;*

22 *Amended Eff. December 1, 2012;*

23 *Transferred and Recodified from 04 NCAC 02T .0104 Eff. August 1, 2015;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
25 *2017.*

26 *Amended Eff. January 1, 2026.*
27
28

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B 15C .0201

DEADLINE FOR RECEIPT: Friday, December 12, 2025

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

For the form first referenced on line 8, are the contents or substantive requirements prescribed by rule or statute as required by G.S. 150B-2(8a)d.? If so, where?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15C .0201 is proposed for readoption with substantive changes as follows:

2
3 **SECTION .0200 - PRODUCT APPROVALS: LISTING PROCEDURES: PRODUCT LISTS**
4

5 **14B NCAC 15C .0201 MALT BEVERAGE PRODUCT APPROVAL: LISTING IN STATE**

6 (a) ~~All malt beverage products offered for sale in this State shall first be approved by the Commission. The~~
7 ~~Commission shall approve malt beverage products prior to the products being offered for sale in this State. The~~
8 ~~Commission shall provide blank Label/Product Application Forms~~ Application for Label Approval forms through the
9 Commission's public website or upon request. Thereafter, any approved ~~Approved malt beverage product products~~
10 ~~sold in this State shall conform to the analysis of the samples submitted as submitted on the application form.~~

11 (b) The Commission shall approve malt beverage products if:

- 12 (1) the procedure for approval is complied with as required in Paragraph (c) of this Rule;
- 13 (2) the analysis is within the limits as required in Paragraph (d) of this Rule;
- 14 (3) the malt beverage product meets or exceeds the packaging requirements ~~as required in 14B NCAC~~
15 ~~15C .0301; of Rule .0301 of this Subchapter; and~~
- 16 (4) at the time of consideration, the Commission does not have evidence ~~to suspect that~~ the product:
- 17 (A) contains harmful or impure substances;
- 18 (B) contains an improper balance of substances, based on studies by universities, laboratories,
- 19 the Commission or other scientific studies;
- 20 (C) is a spurious or imitation product; or
- 21 (D) is unfit for human consumption.

22 (c) Procedure for Approval. To receive consideration for approval by the Commission for a new malt beverage
23 product, an industry member shall comply with the following procedures:

- 24 (1) submit a completed Label/Product Approval Form with a list of ~~all~~ container sizes being offered;
- 25 (2) attach ~~all~~ malt beverage product labels that are specified on the Label/Product Approval Form to the
- 26 Label/Product Approval Form;
- 27 (3) upon request from the Commission, submit a sample of the product in a marketable container;
- 28 (4) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Approval Form;
- 29 and,
- 30 (5) submit required items to the Commission Product Section at products@abc.nc.gov. a non-refundable
31 analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty-
32 five dollars (\$25.00) for each new malt beverage product submitted, except if an analysis certified
33 by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in
34 G.S. 18B-206(c) in the form of a certified check, cashier's check or money order; and
- 35 (6) ~~forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307~~
36 ~~Mail Service Center, Raleigh, North Carolina 27699-4307.~~

37 (d) ~~All malt~~ Malt beverage analyses shall be within the following limits:

- 1 (1) a maximum 15 percent alcohol by volume;
- 2 (2) a maximum 25 parts per million of total sulphur dioxide content; and
- 3 (3) a maximum 100 parts per million of gallo tannins.
- 4 (e) ~~All analyses~~ Analyses of products submitted by industry members shall provide the following information in
- 5 English:
- 6 (1) the measured amounts listed in Paragraph (d) of this Rule;
- 7 (2) the calories per 360 milliliters (12 ounces);
- 8 (3) the specific gravity; and
- 9 (4) the amount of ~~any~~ fortified stimulant per 360 milliliters (12 ounces).
- 10 (f) The Commission shall withdraw approval of a malt beverage product when the Commission has evidence to
- 11 suspect that the product:
- 12 (1) contains harmful or impure substances;
- 13 (2) contains an improper balance of substances;
- 14 (3) is a spurious or imitation product; or
- 15 (4) is unfit for human consumption.
- 16 ~~The malt beverage product shall not be reapproved until the Commission has evidence that proves otherwise. The~~
- 17 Commission shall not re-approve a malt beverage product until receipt of evidence that the basis for withdrawal of
- 18 approval was corrected.
- 19 (g) A person possessing malt beverage products ~~that have had the with~~ approval withdrawn by the Commission shall
- 20 have 60 days after notice of the withdrawal to sell or otherwise dispose of the malt beverage products.

21

22 *History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;*

23 *Eff. January 1, 1982;*

24 *Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;*

25 *Transferred and Recodified from 04 NCAC 02T .0201 Eff. August 1, 2015;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

27 *2017.*

28 *Amended Eff. January 1, 2026.*

29

30

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0202

DEADLINE FOR RECEIPT: Friday, December 12, 2025

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In reviewing this Rule, the staff recommends the following changes be made:

For the form first referenced on line 6, are the contents or substantive requirements prescribed by rule or statute as required by G.S. 150B-2(8a)d.? If so, where?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15C .0202 is proposed for readoption with substantive changes as follows:

2
3 **14B NCAC 15C .0202 WINE APPROVALS; LISTING IN STATE**

4 (a) Except as provided in 14B NCAC 15B .0216 for special orders, ~~all wine products offered for sale in this State~~
5 ~~shall first be approved by the Commission.~~ the Commission shall approve wine products prior to the wine products
6 being offered for sale in this State. The Commission shall provide blank Label/Product Application Forms through
7 the Commission's website or upon request. Thereafter, ~~any~~ approved wine product sold in this State shall conform to
8 the analysis ~~of the samples submitted as submitted on the application form.~~

9 (b) The Commission shall approve a wine product if:

- 10 (1) the procedure for approval is complied with as required in Paragraph (d) of this Rule;
- 11 (2) it is a fortified wine product that the alcohol by volume is above 16 percent and no more than 24
- 12 percent;
- 13 (3) it is an unfortified wine product that the alcohol by volume is 16 percent or less;
- 14 (4) the wine product meets or exceeds the packaging requirements as required in 14B NCAC 15C .0301,
- 15 and
- 16 (5) at the time of consideration, the Commission does not have evidence to suspect that the product:
- 17 (A) contains harmful or impure substances;
- 18 (B) contains an improper balance of substances, based on studies by universities, laboratories,
- 19 the Commission or other scientific studies;
- 20 (C) is a spurious or imitation product; or
- 21 (D) is unfit for human consumption.

22 (c) Procedure for Approval. To receive consideration for approval by the Commission for a new wine product, an
23 industry member shall comply with the following procedures:

- 24 (1) submit a completed Label/Product Application Form;
- 25 (2) submit separate Label/Product Application Forms for fortified and unfortified wine products;
- 26 (3) attach all wine product labels that are specified on the Label/Product Application Form to the
- 27 Label/Product Application Form;
- 28 (4) upon request from the Commission, submit a 500 milliliter (or a larger size if 500 milliliter is not
- 29 available) bottle of each product offered; and
- 30 (5) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Application
- 31 Form;Form.
- 32 ~~(6) submit a non-refundable analysis fee in the form of a certified check, cashier's check or money order~~
33 ~~in the amount of twenty five dollars (\$25.00) for each new wine product submitted, except if an~~
34 ~~analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative~~
35 ~~fee as set out in G.S. 18B-206(e) in the form of a certified check, cashier's check or money order;~~
36 ~~and~~

~~(7) forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307
Mail Service Center, Raleigh, North Carolina 27699-4307.~~

(d) If an analysis of a product is submitted, it shall provide at least the following information in English:

- (1) alcohol by volume (percent);
- (2) total acidity (g/100 cc as tartaric acid);
- (3) total sulphur dioxide content (ppm);
- (4) volatile acidity, exclusive of sulphur dioxide (g/100 cc as acetic acid);
- (5) alcohol-free soluble solids (degrees/Brix degrees/Balling);
- (6) identity and quantity of any added chemical preservative; and
- (7) the amount of any fortified stimulant per container.

(e) The Commission shall withdraw approval of a wine product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The wine product shall not be reapproved until the Commission has evidence that proves otherwise.

(f) A person possessing wine products that have had the approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the wine products.

History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;

Eff. January 1, 1982;

Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984;

Transferred and Recodified from 04 NCAC 02T.0202 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

Amended Eff. January 1, 2026.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0203

DEADLINE FOR RECEIPT: Friday, December 12, 2025

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In reviewing this Rule, the staff recommends the following changes be made:

Item (b) does not appear to meet the definition of a rule pursuant to § 150B-2(8a). Policies are distinct from rules and often fit into “non-binding interpretive statements”, (8a)c. “Statements concerning only internal management” are also not rules, (8a)a.

On line 12 “discretion of listings” is an awkward phrase. Is this a typo?

Are the procedures and standards for the listing determinations (lines 11-16) identified in rule or statute?

What are “adequate sales” on line 14?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15C .0203 is proposed for readoption with substantive changes as follows:

2
3 **14B NCAC 15C .0203 SPIRITUOUS LIQUOR PRODUCT APPROVALS**

4 (a) ~~All brands of spirituous liquor sold in this State shall have first been approved for listing and resale by the~~
5 ~~Commission.~~ The Commission shall first approve spirituous liquor brands sold in this state for listing and resale.

6 (b) Listing Policy. In view of the fact North Carolina is a monopoly state, the Commission is responsible for
7 maintaining a wide range of spirituous liquor products and prices and a balanced selection between the various types
8 of products. It is the Commission's responsibility to ensure that the various types of products, including specialty items
9 and imports, are available to the North Carolina consumer, as well as the more popular products. ~~To this end, the~~
10 ~~Commission shall, at least once a year,~~ Once a year, the Commission shall consider new spirituous liquor products for
11 placement on the state's approved list. ~~Listings shall be in the discretion of the Commission.~~ The Commission shall
12 have discretion of listings after considering sales trends of the type of product, sales trends of the product in other
13 states, and the need for the product in the North Carolina market. ~~The Commission shall also, at least once a year,~~
14 Once a year, the Commission shall consider delisting items from the approved list. Items maintaining adequate sales
15 histories for type and price range will not be considered for delisting unless the delisting is part of a penalty invoked
16 after hearing, pursuant to this Chapter.

17 (c) ~~Items shall be submitted to the Commission for consideration for listing, and will be considered only if they are~~
18 ~~offered on the prescribed forms by the distiller, rectifier, bottler or importer.~~ The distillery, rectifier, bottler, or importer
19 shall submit items to the Commission for consideration for listing on the prescribed forms.

20
21 *History Note: Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207;*

22 *Eff. January 1, 1982;*

23 *Amended Eff. July 1, 1992;*

24 *Transferred and Recodified from 04 NCAC 02T .0203 Eff. August 1, 2015;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
26 *2017.*

27 *Amended Eff. January 1, 2026.*
28
29

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0204

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

This rule appears to be a "Statement concerning only internal management" and thus not appropriate for a rule pursuant to G.S. 150B-2(8a)a. What is the agencies' position?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15C .0204 is proposed for readoption with substantive changes as follows:

2
3 **14B NCAC 15C .0204 SPIRITUOUS LIQUOR PRODUCT LISTS**

4 The Commission ~~shall print~~ prints a list of ~~all~~ brands of spirituous liquor ~~that have been~~ approved for sale in the state.

5 The list, which includes container sizes and prices of ~~all~~ spirituous liquor products, is printed four times ~~each~~ per year,
6 on February 1, May 1, August 1 and November 1, and is available at no cost.

7
8 *History Note: Authority G.S. 18B-100; 18B-207;*

9 *Eff. January 1, 1982;*

10 *Amended Eff. May 1, 1984;*

11 *Transferred and Recodified from 04 NCAC 02T .0204 Eff. August 1, 2015;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
13 *2017.*

14 *Amended Eff. January 1, 2026.*
15
16

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Alcoholic Beverage Control Commission

RULE CITATION: 14B NCAC 15C .0206

DEADLINE FOR RECEIPT: Friday, December 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

For the form referenced on line 7, are the contents or substantive requirements prescribed by rule or statute as required by G.S. 150B-2(8a)d.? If so, where?

On line 14, grammatically I believe you need a "that" after "nonwithstanding".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 15C .0206 is proposed for readoption with substantive changes as follows:

2
3 **14B NCAC 15C .0206 NEW FILING REQUIRED UPON TRANSFER OF BRAND**

4 When ~~any a~~ malt beverage or wine brand ~~or product~~ is transferred from one nonresident vendor, manufacturer or
5 importer to another, the new vendor, manufacturer or importer shall, within 30 days of the acquisition of the brand or
6 product, submit the following items to the Commission:

- 7 (1) label approval application ~~forms form (BWL008)~~, with labels attached;
8 (2) copies of Federal Label Approval forms;
9 (3) a certified laboratory analysis of the product, in English, showing alcohol content by volume, ~~with~~
10 ~~a non-refundable administrative fee as set out in G.S. 18B-206(e) in the form of a certified check,~~
11 ~~cashier's check or money order;~~ and
12 (4) the wholesaler territorial designations for the brand and product that were in effect on the date the
13 product was acquired by the vendor, manufacturer or importer.

14 Compliance with this Rule is mandatory notwithstanding ~~the fact that~~ the product has been previously approved by
15 the Commission.

16
17 *History Note: Authority G.S. 18B-100; 18B-203(a); 18B-206; 18B-207; 18B-1203; 18B-1303(a); 18B-1305(d);*
18 *Eff. July 1, 1992;*
19 *Amended Eff. April 1, 2011;*
20 *Transferred and Recodified from 04 NCAC 02T .0206 Eff. August 1, 2015;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
22 *2017.*
23 *Amended Eff. January 1, 2026.*
24
25